

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Civil Conference
Minute Order

Before: James Orenstein
U.S. Magistrate Judge

Date: 12/3/2018
Time: 2:00 p.m.

China Power Equipment, Inc. et al. v. Yongqing Song, et al.
16-CV-2914 (KAM) (JO)

Type of Conference: Status

Appearances: Plaintiff James C. Orr, Jr.

DHLO Dean T. Cho

Scheduling: The next pretrial conference will be held on April 10, 2019, at 9:30 a.m.

Summary: As set forth on the record, I discussed with counsel the plaintiff's motions to compel disclosures. On the motion to compel the production of records as to which defendant DHLO asserts its client's privilege, I concluded that applicable choice-of-law rules require the application of Chinese law. DHLO's counsel has not yet read translations of the documents at issue, and wishes to submit them for *in camera* review. I directed counsel to review English translations of the documents and submit a letter by December 7, 2018, specifying whether, having reviewed the documents, he asserts that they do not implicate the crime-fraud exception to the purported privilege under Chinese law. After reviewing counsel's letter and the documents *in camera*, I will resolve the motion. On the motion to compel responses to an interrogatory, it became clear that the defendant purports to have misunderstood the scope of the plaintiff's interrogatory. The defendant will therefore promptly respond to the now-clarified requires. I denied the plaintiff's request for an award of fees and costs on the latter motion but will reconsider if the plaintiff's counsel demonstrates that he did, contrary to the assertion of DHLO's counsel, confer with counsel in advance of filing the motion in an effort to resolve it without judicial intervention.

SO ORDERED

/s/
James Orenstein
U.S. Magistrate Judge